

Text
Definition of "Disclosure Statement"
R-03-10

Amend section 66260.10 to read:

Section 66260.10. Definitions.

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"Disclosure statement," as defined by Health and Safety Code section 25112.5, means the following:

(a) a statement submitted to the Department by an applicant, signed by the applicant under penalty of perjury, which includes all of the following information:

(1) the full name, any previous name or names, business address, social security number and driver's license number of all of the following:

(A) the applicant;

(B) any officers, directors or partners, if the applicant is a business concern;

(C) all persons or any officers, partners, or any directors if there are no officers, of business concerns holding more than five percent of the equity in, or debt liability of the applicant, except that if the debt liability is held by a lending institution, the applicant shall only supply the name and address of the lending institution;

(2) Except as provided in subdivision (b), the following persons listed on the disclosure statement shall properly submit completed fingerprint images and related identification information:

(A) the sole proprietor;

(B) the partners;

(C) all persons listed in subparagraph (C) of paragraph (1) and any officers or directors of the applicant company as required by the Department;

(3) if fingerprint images and related identification information are submitted for purposes of paragraph (2), the fingerprint images and related identification information shall be submitted for any person required by paragraph (2) only once. If there is a change in the person serving in a position for which fingerprint images and related identification information are required to be submitted pursuant to paragraph (2), fingerprint images and related identification information shall be captured and submitted for that person. Fingerprint images and the related identification information may be obtained using the Department of Justice's electronic fingerprint network.

(4) the full name and business address of any business concern which generates, transports, treats, stores, recycles, disposes of or handles hazardous waste and hazardous materials in which the applicant holds at least a five percent debt liability or equity interest;

(5) a description of any local, state, or federal licenses, permits, or registrations for the generation, transportation, treatment, storage, recycling, disposal or handling of hazardous waste or hazardous materials applied for, or possessed by the applicant, or by the applicant under any previous name or names, in the five years preceding the filing of the statement, or, if the applicant is a business concern, by the officers,

directors, or partners of the business concern, including the name and address or the issuing agency;

(6) a listing and explanation of any final administrative orders or license revocations or suspensions issued or initiated by any local, state or federal authority, in the five years immediately preceding the filing of the statement, or any civil or criminal prosecutions filed in the five years immediately preceding, or pending at the time of, the filing of the statement, with any remedial actions or resolutions if applicable, relating to the generation, transportation, treatment, storage, recycling, disposal or handling of hazardous waste or hazardous materials received by the applicant, or by the applicant under any previous name or names, or, if the applicant is a business concern, by any officer, director or partner of the business concern;

(7) a listing of any agencies outside of the state which regulate, or had regulated, the applicant's, or the applicant's under any previous name or names, generation, transportation, treatment, storage, recycling, disposal or handling of hazardous waste or hazardous materials in the five years preceding the filing of the disclosure statement;

(8) a listing and explanation of any federal or state conviction, judgment, or settlement, in the five years immediately preceding the filing of the statement, with any remedial actions or resolutions if applicable, relating to the generation, transportation, treatment, storage, recycling, disposal or handling of hazardous waste or hazardous materials by the applicant, or by the applicant under any previous name or names, or if the applicant is a business concern, by any officer, director or partner of the business concern;

(9) a listing of all owners, officers, directors, trustees and partners of the applicant who have owned, or been an officer, director, trustee or partner of, any company which generated, transported, treated, stored, recycled, disposed of, or handled hazardous wastes or hazardous materials and which was the subject of any of the actions described in paragraphs (6) and (8) for the five years preceding the filing of the statement.

(b) Notwithstanding paragraph (2) of subdivision (a), a corporation, the stock of which is listed on a national securities exchange and registered under the Securities Exchange Act of 1934 (15 U.S.C. Sec. 78a et seq.), or a subsidiary of such a corporation, is not subject to the fingerprint requirements of subdivision (a).

(c) In lieu of the statement specified in subdivision (a), a corporation, the stock of which is listed on a national securities exchange or on the National Market System of the NASDAQ Stock Market and registered under the Securities Exchange Act of 1934 (15 U.S.C. section 78a et seq.), or a subsidiary of such a corporation, may submit to the Department copies of all periodic reports, including, but not limited to, those reports required by Section 78m of title 15 of the United States Code and Part 229 (commencing with Section 229.10) of chapter II of title 17 of the Code of Federal Regulations that the corporation or subsidiary has filed with the Securities and

Exchange Commission in the three years immediately preceding the submittal, if the corporation or subsidiary thereof has held a hazardous waste facility permit or operated a hazardous waste facility under interim status pursuant to Health and Safety Code section 25200 or 25200.5 since January 1, 1984.

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NOTE: Authority cited: Sections 25141, 25150, 25158.1, 25158.4, 25159, 25159.5, 25187.7, 25200.10, 25204, 25218.3(d), 25316 and 58012, Health and Safety Code. Reference: Sections 25110.02, 25110.1, 25110.5, 25111, 25112, 25112.5, 25113, 25114, 25115, 25117, 25117.1, 25117.3, 25117.8, 25117.9, 25117.11, 25118, 25119, 25120, 25121, 25121.5, 25122.7, 25123, 25123.3, 25123.5, 25123.6, 25141, 25150, 25158.2, 25159, 25159.5, 25187.7, 25200.10, 25201.6, 25204, 25218.1(f), 25218.3, 25229, 25316, 25361, 25501, 25529 and 58012, Health and Safety Code; and 40 CFR Sections 260.10, 261.1, 264.552, 264.1031, 268.2, 270.2 and 273.6.